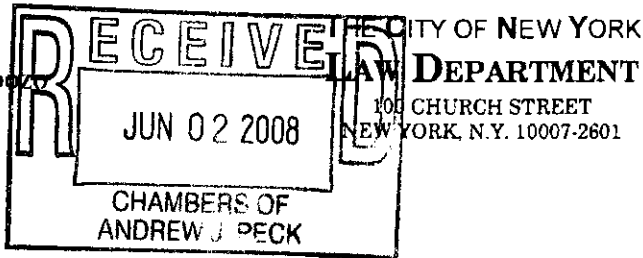




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DATE FILED: 6/2/08

MICHAEL A. CARDOZO  
Corporation Counsel



EDWIN M. LEVY  
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June 2, 2008

**BY FAX TO (212) 805-7933**

Honorable Andrew J. Peck  
United States Magistrate Judge  
United States District Court  
500 Pearl Street  
New York, NY 10007

MEMO ENDORSED *p2*

**Re: *William A. Gross Construction Associates, Inc. v.  
American Manufacturers Mutual Insurance  
Company, and other actions, 07-CV-10639  
(LAK)***

Dear Magistrate Judge Peck:

I represent Fourth-Party Defendant Dormitory Authority of the State of New York ("DASNY") in the above-referenced matter. I respectfully request that DASNY's time to move to dismiss the Fourth-Party Complaint be extended one (1) additional week. I am informed by Patricia Hewitt, Esq., counsel for Fourth-Party Plaintiff Cauldwell-Wingate Company ("Cauldwell-Wingate"), that her client takes no position with respect to the application for an extension of time with the proviso that its time to serve opposition papers not be shortened.

I make this application because I became ill only 3 days after the Court "So Ordered" the present briefing schedule and was able to return to work only today. Thus, I have missed over a week of work and need the additional week to prepare the motion.

In a Memo Endorsed Order, dated May 27, 2008, a copy of which is attached for the Court's reference, the Court ordered that DASNY's motion be served by June 6<sup>th</sup>, opposition papers to be served by July 14<sup>th</sup> and reply papers to be served by August 11<sup>th</sup>. Should the Court

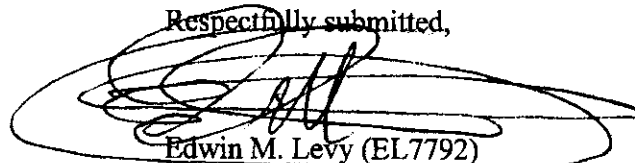
## THE CITY OF NEW YORK LAW DEPARTMENT

Honorable Andrew J. Peck  
June 2, 2008  
Page 2

grant this application, the briefing schedule dates would be modified to June 13<sup>th</sup>, July 21<sup>st</sup> and August 18<sup>th</sup>, respectively. ] OK

It has already been directed that this motion and briefing schedule will not stay discovery herein. Accordingly, this short extension of time will not prejudice any party hereto.

Respectfully submitted,

  
Edwin M. Levy (EL7792)  
Assistant Corporation Counsel

Enc.

cc: **(Via Fax)**  
Dunnington, Bartholow & Miller, L.L.P.  
Attorneys for Plaintiff William A. Gross  
Construction Associates, Inc.  
477 Madison Avenue, 12<sup>th</sup> Floor  
New York, NY 10017

Attn: Carol A. Sigmond, Esq.

Zichello & McIntyre, L.L.P.  
Attorneys for Defendant and Third-Party  
Plaintiff American manufacturers Mutual  
Insurance Company  
420 Lexington Avenue, Suite 2800  
New York, NY 10170

Attn: Vincent J. Zichello, Esq.

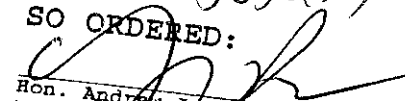
Ingram, Yuzek, Gainen, Carroll & Bertolotti, L.L.P.  
Attorneys for Third-Party Plaintiff and Fourth-Party  
Plaintiff Cauldwell-Wingate Company  
250 Park Avenue  
New York, NY 10177

Attn: Patricia Hewitt, Esq.

**MEMO ENDORSED**

*Scanned from original. Please note that the original is a handwritten note from Judge Peck dated 6/2/08. The original is a handwritten note from Judge Peck dated 6/2/08. The original is a handwritten note from Judge Peck dated 6/2/08.*

SO ORDERED:

  
Hon. Andrew Jay Peck  
United States Magistrate Judge

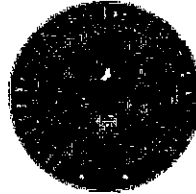
**BY FAX**

**\*\* Transmit Confirmation Report \*\***

P.1  
HON ANDREW J PECK SDNY Fax:212-805-7933

Jun 2 2008 06:01pm

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912127888872	Normal	02,06:00pm	1'08"	6	# 0 K	BrdCast

**FAX TRANSMITTAL SHEET**

**ANDREW J. PECK  
UNITED STATES MAGISTRATE JUDGE  
UNITED STATES DISTRICT COURT**

Southern District of New York  
United States Courthouse  
500 Pearl Street, Room 1370  
New York, N.Y. 10007-1312

Fax No.: (212) 805-7933  
Telephone No.: (212) 805-0036

**Dated:** June 2, 2008

**Total Number of Pages:** 6

TO	FAX NUMBER
Carol A. Sigmond, Esq.	212-661-7769
Vincent J. Zichello, Esq.	212-972-5569
Patricia Hewitt, Esq.	212-907-9681
Edwin Levy, Esq.	212-788-8872

**TRANSCRIPTION:**

**MEMO ENDORSED 6/2/08**

Schedule approved. Please note that the motion is returnable before Judge Kaplan (unless all parties agree to have me decide it pursuant to 28 U.S.C. § 636(c)).

**Copy to:** Judge Lewis A. Kaplan